IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Un	ited States of America,) 4-00M 12024
	Plaintiff,) 4:06MJ3034)
	vs.) DETENTION ORDER
Hu	go Heriberto Fletes-Montion,)
	Defendant.)
A.	Order For Detention After the defendant waived a detention he the Bail Reform Act, the Court orders the pursuant to 18 U.S.C. § 3142(e) and (i).	
B.	The Court orders the defendant's detention X By a preponderance of the evidence conditions will reasonably assure the required.	because it finds: te that no condition or combination of the appearance of the defendant as
	X By clear and convincing evidence to conditions will reasonably assure the community.	hat no condition or combination of the safety of any other person or the
C.	X (1) Nature and circumstances of the X (a) The crime: 8:1326(a), II crime and carries a max (b) The offense is a crime of (c) The offense involves a max (c)	ervices Report, and includes the following: ne offense charged: legal re-entry after deportation is a serious kimum penalty of 20 years imprisonment. of violence.
	may affect whe The defendant	_

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	The defendant has no substantial financial resources. The defendant is not a long time resident of the community. The defendant does not have any significant community ties. Past conduct of the defendant:	
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	The defendant has a history relating to drug abuse. The defendant has a history relating to alcohol abuse. X The defendant has a significant prior criminal record. The defendant has a prior record of failure to appear at court proceedings. (b) At the time of the current arrest, the defendant was on: Probation Parole Release pending trial, sentence, appeal or completion of sentence. (c) Other Factors: The defendant is an illegal alien and is subject to deportation. The defendant is a legal alien and will be subject to deportation if convicted. X The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:	
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<u>X</u> (4)	The nature and seriousness of the danger posed by the defendant's release are as follows: 3 Prior Deporations	
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(5)	Rebuttable Presumptions In determining that the defendant should be detained, the Court also relied on the following rebuttable presumption(s) contained in 18 U.S.C. § 3142(e) which the Court finds the defendant has not rebutted: (a) That no condition or combination of conditions will reasonably	
	assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves: (1) A crime of violence; or (2) An offense for which the maximum penalty is life imprisonment or death; or	

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(b)	(3) A controlled substance violation which has a maximum penalty of 10 years or more; or(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release. That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:(1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or dangerous weapon or device).
 The d confin from pending The d consumant That, attorn facility United with a 	efendant be committed to the custody of the Attorney General for ement in a corrections facility separate, to the extent practicable persons awaiting or serving sentences or being held in custodying appeal; and efendant be afforded reasonable opportunity for private litation with counsel; and on order of a court of the United States, or on request of an ey for the government, the person in charge of the corrections in which the defendant is confined deliver the defendant to a distates Marshal for the purpose of an appearance in connection court proceeding.
DATED this 27 th day	of July 2006: BY THE COURT:
	DI IIIE OCCIOI.

s/ F. A. Gossett United States Magistrate Judge